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APPLICATION NO.	FILED DATE	DRFT	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. 227277 CAP7-500
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AIR MAIL

EXAMINER WILLIAM J. M.
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ART UNIT 2000	PAPER NUMBER 00000000
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02/19/98  
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. <b>08/835,559</b>	Applicant(s) <b>Drei</b>
Examiner <b>Mark A. Williams</b>	Group Art Unit <b>3209</b>

- Responsive to communication(s) filed on \_\_\_\_\_.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

- Claim(s) 1-7 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-7 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on Apr 8, 1997 is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3209

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because: it is not clear exactly where the bar pusher 39 is located in figures 1 and 2; a collet of a spindle of a lathe is claimed yet not shown in the drawings. Correction is required.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the phrase "for said bar" in line 7.

Correction is required. See MPEP § 608.01(b).

Art Unit: 3209

***Claim Rejections - 35 USC § 112***

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. In claim 1, line 1, the term "particularly" is indefinite in that it makes the scope of the claim unclear.
- B. Use of the term "for" in line 7 of claim 1 makes it unclear if what follows is being referred to as intended use or if it is meant for the subject matter to be patentable.
- C. In claim 1, line 8, the phrase "with grip elements for said bar are slidable" is not grammatically correct.
- D. In claim 1, line 10, it is not clear if "a bar" is referring to the same bar as in line 6 or another bar.
- E. In claim 1, line 13, "and is secured" is indefinite in that it is not clear exactly what element is secured.
- F. In claim 1, line 13-14, there is a lack of antecedent basis for "the spindle".
- G. In claim 1, line 15, "to move parallel to itself" does not provide adequate description of the parallel direction. It is not clear how this element moves parallel to itself.
- H. In claim 1, line 16, "actuating said pusher after said carriage between" is not clearly understood.

Art Unit: 3209

I. In claim 1, line 17, in the term "where it", it is unclear exactly what element "it" is referring to.

J. In claim 6, it is unclear if or how "a guide" in lines 2-3, is related to the "guiding means" of claim 1.

L. In claim 6, line 3, the use of the term "means" is indefinite in that it is not clear what type of means is being referred to. It suggest that a term such as --locking means-- or --rotation means-- be used.

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werkmeister et al. in view of Johnson. Werkmeister shows a device for feeding bars including guide means 42, carriage , grip elements 22, as while as initial and final positions. Element 22 is provided with clamping V-shaped blades in teeth members. Werkmeister does not teach of a bar pusher. Johnson teaches of a feed device which includes a bar pusher 38. It would have been

Art Unit: 3209

obvious at the time the invention was made by one of ordinary skill in the art to have elected to include in the invention of Werkmeister a pusher as taught in Johnson in that such a device would have allowed for stable feeding of a work piece once the work were released in a collet.

***Allowable Subject Matter***

7. Claims 2 and 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication should be directed to Mark Williams at telephone number (703) 305-3438.

Mark Williams

2/12/98

  
DANIEL W. HOWELL  
PRIMARY EXAMINER  
ART UNIT 322  
3209